

Appl. No. 10/688,118
Atty. Docket No. 9066M2
Amdt. dated June 21, 2007
Reply to Office Action mailed June 8, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1-14 are currently under consideration. No additional claims fee is believed to be due.

Claims 3 and 15-20 are cancelled without prejudice.

Claims 1, 4, 6 and 14 have been amended to recite that the high molecular weight polymer comprises one or more pendant groups deliver a charge density of at least about 0.2 meq/g. Support for this amendment is found at p. 15, lines 14-15 of the Specification. Claims, 1, 4, 6 and 14 have also been amended to recite that the high molecular weight polymer comprises from about 0.0005% to about 0.005% by weight of the composition. Support for this amendment is found at p. 15, lines 4-14 of the Specification.

It is believed that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1-2 and 4-14 are rejected under 35 U.S.C. §112, First Paragraph, for failing to comply with the written description requirement. As amended, Independent Claims 1, 4, 6 and 14 recite that the pendant groups "deliver" a charge density of at least about 0.2 meq/g as is fully supported by the Specification. Thus, the rejection under 35 U.S.C. §112, First Paragraph is now moot and should be withdrawn.

Rejection Under 35 U.S.C. §103(a) Over WO 02/48458 in View of U.S. 3,624,019

As amended, Claims 1-2 and 4-14 are rejected under 35 U.S.C. §103(a) over Barnholtz et al (WO 02/48458 – hereinafter "Barnholtz") in view of Anderson (U.S. 3,624,019 – hereinafter "Anderson"). The Applicant respectfully traverses this rejection on the ground that Barnholtz in view of Anderson does not provide one of ordinary skill in the art with any teaching, suggestion, or motivation to arrive at the claimed limitations, thus failing to make the *prima facie* case of obviousness. MPEP §2142, §2143; In re

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Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, Barnholtz in view of Anderson does not solve the same problems that the Applicant's invention solves, thus failing to provide any reason for one of skill in the art to modify those teachings such that they would make the Applicant's claimed invention. KSR v. Teleflex, 550 U.S. ____ (2007).

As amended, Claims 1-2 and 4-14 require, *inter alia*, that the high molecular weight polymer comprises from about 0.0005% to about 0.005% by weight of the composition. Barnholtz does not disclose a range of high molecular weight polymer that is within the range of the claimed invention. Barnholtz discloses the use of high molecular weight polymers in the range of over 0.01% by weight (Barnholtz, p. 33, lines 16-20). Further, Barnholtz notes that the high molecular weight polymers increase the viscosity of the composition to facilitate application of the composition to the tissue web (Barnholtz, p. 31, lines 17-29). This is the opposite of what the Applicant is seeking to do. The Applicant has invented a composition that has a low viscosity that can be applied to a tissue web (Specification, p. 23, lines 4-6). Thus, the goal of Barnholtz is so different from the goal of the Applicant's claimed invention that one of skill in the art would not modify Barnholtz to arrive at the Applicant's claimed invention.

Anderson fails to remedy the deficiency of Barnholtz, as Anderson discloses that the invention is suitable for polymers in the concentration range of 0.1 to 20 percent by weight (Anderson, Col. 2, lines 27-32). Anderson contains no teaching, suggestion or motivation to use a lower concentration of polymer. Additionally, Anderson is specifically directed to solubilizing polymers in water (Anderson, Col. 1, lines 33-35). Thus, the problem Anderson is solving does not give any reason for one of skill in the art to modify Anderson in such a way as to make the Applicant's claimed invention.

The Applicant respectfully submits that the claims, as amended, are non-obvious under 35 U.S.C. §103(a) over Barnholtz in view of Anderson because there is no teaching, suggestion, or motivation of application of a softening composition to a semi-dry tissue paper as is claimed by the Applicant.

Conclusion

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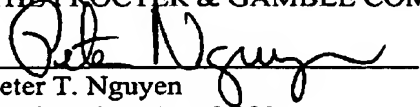
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case are respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-2 and 4-14 are respectfully requested.

Respectfully submitted,

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June 21, 2007
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